

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KHADEMI DAVOOD,) Case No. 1:21-cv-01394-SAB (PC)
Plaintiff,)
v.)
JIMMANZ, et al.,) ORDER VACATING ORDER TO SHOW
Defendants.) CAUSE
) (ECF No. 8)
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Plaintiff Khademi Davood is proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

Plaintiff filed the instant action on September 17, 2021. On September 27, 2021, the Court ordered Plaintiff to show cause why the action should not be dismissed, without prejudice, for failure to exhaust the administrative remedies prior to filing suit. (ECF No. 8.) Plaintiff filed a response on October 8, 2021. (ECF No. 9.) In his response, Plaintiff contends that he has exhausted the available administrative remedies prior to filing suit. (*Id.*) Based on Plaintiff's response, there is some ambiguity as to whether Plaintiff adequately exhausted his administrative remedies, this is not one of the "rare" instances in which the failure to exhaust is clear from the face of the complaint. Without a full record of all of Plaintiff's exhaustion efforts the Court cannot determine from the face of the complaint that Plaintiff failed to exhaust the administrative remedies with respect to his claims.

1 Therefore, the court's order to show cause shall be vacated, and Plaintiff is advised that his complaint
2 will be screened in due course.

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4 IT IS SO ORDERED.

5 Dated: October 12, 2021


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UNITED STATES MAGISTRATE JUDGE